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**PLANT PATENT  
APPLICATION (35 U.S.C. 161)  
DECLARATION  
(37 CFR 1.63)**

Declaration  
Submitted  
with Initial  
Filing

OR

Declaration  
Submitted after Initial  
Filing (surcharge  
(37 CFR 1.16(e))  
required)

Attorney Docket Number

HS IND 1.1

First Named Inventor

Jeffrey A. Westendorf

**COMPLETE IF KNOWN**

Application Number

Filing Date

Art Unit

Examiner Name

I hereby declare that:

Each inventor's residence, mailing address, and citizenship are as stated below next to their name.

I believe the inventor(s) name below to be the original and first inventor(s) of the new and distinct variety of:

Hosta

plant named: 'Independence'

which is claimed and for which a plant patent is sought, the specification of which

 is attached hereto OR  was filed on (MM/DD/YYYY) \_\_\_\_\_ as United States

Application Number \_\_\_\_\_ and was amended on (MM/DD/YYYY) \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claim, as amended by any amendment specifically referred to above.

I have asexually reproduced the plant to which this application applies.

 Said plant was found in cultivated area (check this box for newly found plant only)

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the National or PCT International filing date of the continuation-in-part.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Check Only If Priority Not Claimed	Certified Copy Attached?
			YES	NO
20040080	CPVO	01/22/2004	<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>

 Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

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This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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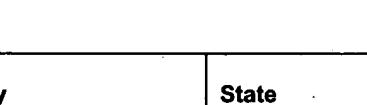
## DECLARATION - Plant Patent Application

Direct all correspondence to:  Customer Number:  OR  Correspondence address belowName **Jeffrey A. Westendorp**Address **Walters Gardens, Inc.**Address **1992-96th Avenue, P.O. Box 137**City **Zeeland** State **MI** ZIP **49464-0137**Country **USA** Telephone **616-772-4697** Fax **616-772-5803**

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

NAME OF SOLE OR FIRST INVENTOR:  A petition has been filed for this unsigned inventorGiven Name **Jeffrey A.** Family Name or Surname **Westendorp**Inventor's Signature  Date **5-20-04**Residence: City **Holland** State **MI** Country **USA** Citizenship **USA**Mailing Address **694 Marylane Drive**

Mailing Address

City **Holland** State **MI** Zip **49423** Country **USA**NAME OF SECOND INVENTOR:  A petition has been filed for this unsigned inventorGiven Name  Family Name or Surname Inventor's Signature  Date Residence: City  State  Country  Citizenship 

Mailing Address

Mailing Address

City  State  Zip  Country  Additional inventors or legal representative(s) are being named on the **supplemental sheet(s) PTO/SB/02A or 02LR attached hereto.**